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SUBJECT: PARLIAMENT OVERRIDES KARZAI VETOES

REF: KABUL 2245

[¶1.](#) (SBU) SUMMARY. The National Assembly's Lower House has for the first time overridden several vetoes by President Karzai, effectively bringing into law measures on the media, land ownership, and the establishment of a constitutional implementation commission. However, problems with achieving quorum in parliament, tracking voting patterns, and enforcing constitutional checks and balances mean it is unlikely we have seen the final word on these laws. The votes against Karzai are also a sign his administration may need to spend more time mending relations with Lower House Speaker Yunus Qanooni and better maintaining a network of supporters among MPs.

#### First Veto Overrides in Parliament's History

[¶2.](#) (SBU) The Lower House voted earlier this month to override Karzai vetoes on seven pieces of legislation, ranging from high-profile issues on the media and the establishment of a constitutional disputes commission, to more mundane bills on land ownership and road tolls. The Constitution requires the Lower House to have a two-thirds majority of MPs present to override a presidential veto. These are the first vetoes successfully overridden in parliament's two years of operation.

[¶3.](#) During its tenure, the National Assembly has had difficulty gathering required quorums to hold votes (reftel), lacked political parties capable of building coalitions, and conducted votes by either secret ballot or an informal system of holding up green (aye) or red (nay) cards. When votes with the colored cards occur, MPs rely on the Speaker's visual estimate that there is a winning 50 percent-plus one or two-thirds majority. In most cases, votes are not called unless it is apparent there will be a decisive result. Confirmation votes for Cabinet ministers and other high-ranking officials have secret ballots.

#### Respecting Checks and Balances

[¶4.](#) (SBU) According to the Constitution, a vetoed bill automatically becomes law once overridden by the Lower House. However, the parliament moved into new territory this month with the overrides and it is unclear how quickly the administration will accept its legislative losses. Minister for Parliamentary Affairs Farooq Wardak said there were

several constitutional "gray areas" concerning balance of powers with implications for how the president and legislature interact. Lower House staff also seemed unsure how to move ahead. Although MPs have overridden these vetoed bills, technical staff members are unsure how to promulgate the legislation to government agencies hostile to some of the laws' requirements. Parliament may need to revisit the laws in a few months if the government refuses to implement the disputed elements.

#### Surprise Votes Catch Karzai Off-Guard

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¶5. (SBU) Speaker Qanooni strategically held votes on most of the vetoed bills on the same day Wardak introduced Attorney General nominee Ishaq Aloko for a confirmation hearing. Qanooni knew a confirmation vote would draw enough MPs to achieve a quorum, finally giving him the chance to clear business that had lingered on the house's agenda for months. Wardak said he didn't get word the override votes would take place until a 7 am phone call from Qanooni informing him his staff had "added some minor other business to the Lower House's agenda" -- just one hour before Wardak and Aloko headed to parliament. Indeed, although Qanooni has said votes on the vetoed bills were a priority for him this legislative session, they had not been on the Lower House agenda that week.

¶6. (SBU) Wardak said the late notice did not give him enough time to prepare a counter-strategy against the votes. He was also upset Qanooni took no official count to determine

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whether two-thirds of the MPs present had indeed voted against the president, although he conceded there was "probably" a sufficient majority for each of the votes. But even if Wardak had received more notice, it's unclear what he would have done to press his case. He told PolOff he courts MPs to support the president's position on an issue-by-issue basis, with no "whip" in parliament or on his staff to count supporters ahead of votes.

#### Underdeveloped Legislative Outreach

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¶7. (SBU) The lack of many close votes in parliament has made tracking alliances by recorded votes difficult, as has parliament's SNTV election system where MPs are elected with no party identification. Furthermore, Karzai has refused to join or create a political party of his own, giving up a potential advantage to consolidate support from a known quantity of MPs. Wardak acknowledged it has been difficult to assemble a lasting coalition in support of the president without formal blocs.

#### A Wake-Up Call for Karzai's Parliament Strategy

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¶8. (SBU) This month's vetoes caught Karzai and his parliamentary "fixer" Wardak off-guard, but there are still several vetoed bills and other legislation Karzai has threatened to reject on the Lower House's agenda for the remainder of the session. Qanooni's strategy to bring the override votes up on short notice is likely in response to Karzai's making law by presidential decree during parliamentary recesses. These circumstances help explain how Karzai's often-deficient relations with MPs have hurt his support in the Lower House.

¶9. (SBU) However, raising the legalization of foreign forces issue has won the president some respite from criticism in parliament. Wardak promises this is just the beginning of a more attentive outreach to MPs. If he hopes to avoid further surprises and embarrassments from the Lower House, he and Karzai will need to develop a network of supporters that is more reliable on routine issues and procedural votes, in

addition to building a better working relationship with  
Speaker Qanooni.  
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